

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

DOLORES HUSSMAN,

Plaintiff,

v.

Case No. 3:07-cv-556-J-32MCR

MERCK & CO., INC.,

Defendant.

**NOTICE OF DESIGNATION UNDER LOCAL RULE 3.05
AND GUIDELINES FOR FILING OF CASE MANAGEMENT REPORT**

TAKE NOTICE, that in accordance with Local Rule 3.05, this action is designated as a TRACK TWO CASE. **The filing party (that is, the party that instituted suit in this Court) is responsible for serving a copy of this Notice and its attachments upon all other parties.** Pursuant to Local Rule 3.05, the parties should conduct a case management conference (either in person or by telephone) no later than 60 days after service or appearance of any defendant. **The Case Management Report should be filed within 14 days of the case management conference.** (If any party believes that the case management conference and resulting report should be delayed pending the resolution of a potentially dispositive motion (or for some other reason), that party may file a (preferably joint) motion requesting such a delay.)

In preparing the Case Management Report, the parties should be aware that the Court anticipates that in most Track Two cases, the dispositive motion deadline will be set 30 days after the close of discovery and that the final pretrial conference will be set 90 days after the dispositive motion deadline. Civil cases generally will be placed on a trial calendar beginning one month after the final pretrial conference. In preparing the Case Management Report, the parties should be aware that the Court's goal is to try most Track Two cases within 12-18 months of filing.

Date: June 28, 2007

SHERYL L. LOESCH, CLERK

____Copies to plaintiff(s) or filing party

Attachments to filing party copy:

____Case Management Report form

____AO 85 Consent to Magistrate Judge Jurisdiction form

By: s/Marielena Diaz
Deputy Clerk

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

v.

Case No.

_____ /

CASE MANAGEMENT REPORT

This Case Management Report shall be used in all Track Two or Track Three civil cases to be tried before the Honorable Timothy J. Corrigan, United States District Judge. Based on this Report and availability on the Court's calendar, the Court will issue a binding Case Management and Scheduling Order.

1. **Meeting of Parties:** Pursuant to Local Rule 3.05(c)(2)(B) or (c)(3)(A), a telephone or in-person conference was held on _____ (date) between:

<u>Name</u>	<u>Counsel for (if applicable)</u>
_____	_____
_____	_____
_____	_____
_____	_____

2. **Initial Disclosures:** The parties (check one) ☐ have exchanged ☐ agree to exchange information described in Fed. R. Civ. P. 26(a)(1) on or by _____ (date).

3. **Preliminary Pretrial Conference:** Local Rule 3.05(c)(3)(B) provides that preliminary pretrial conferences are **mandatory in Track Three cases.**

Track Two cases: Parties (check one) ☐ request ☐ do not request a preliminary pretrial conference before entry of a Case Management and Scheduling Order in this Track Two case. Unresolved issues to be addressed at such a conference include:

4. **Discovery Plan:** In propounding and responding to discovery, the parties are directed to consult and comply with the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the Middle District of Florida, and the Middle District of Florida's Discovery Handbook.

- A. Requested deadline for party seeking affirmative relief (be it plaintiff, counterclaim plaintiff, etc.) to serve expert reports in full compliance with Fed.R.Civ.P. Rule 26(a)(2): _____.
- B. Requested deadline for responding party (be it defendant, counterclaim defendant, etc.) to serve expert reports in full compliance with Fed.R.Civ.P. Rule 26(a)(2): _____.
- C. Requested deadline for any party to submit expert rebuttal reports in full compliance with Fed.R.Civ.P. Rule 26(a)(2) (if no expert rebuttal reports are anticipated, put "none"). _____.
- D. Requested deadline for completing all discovery: _____.
- E. Other matters: Parties agree on the following other matters relating to discovery (e.g., handling of confidential information, assertion of privileges, whether discovery should be conducted in phases or be limited to or focused upon particular issues):

5. Are amendments to pleadings, counterclaims, or third party practice contemplated?
☐ yes ☐ no
If yes, describe and give requested deadlines: _____

6. Requested dispositive and *Daubert* motions filing deadline: _____.

7. Requested final pretrial conference date: _____.
(In requesting a proposed date, parties are reminded that Judge Corrigan requires at least 90 days between the filing of dispositive motions and the final pretrial conference).

8. Requested trial term: _____ .
for a (check one) ☐ jury ☐ non-jury trial.
Trial is expected to take approximately _____ days.

9. **Mediation:**
The Court typically refers all cases to court annexed mediation as detailed in Chapter Nine of the Court's Local Rules. The order of referral to mediation described in Local Rule 9.04 should be entered by the Court directing that mediation occur on or before _____ (date) designating _____ (name) to serve as mediator. (A list of certified mediators is available from the Clerk's Office and on the Court's website. If the parties do not so designate, the Court will designate the mediator and the deadline for mediation).

10. Do parties agree to consent to trial presided over by United States Magistrate Judge?
(check one) ☐ yes ☐ no ☐ may agree in future.
If yes, the parties shall complete and all counsel and/or unrepresented parties shall execute on the Form AO-85 attached hereto (through the portion for "Consent" – all signatures together on one form); submit the same to the Clerk, and the Court will promptly thereafter enter the "Order of Reference" portion and file the same in the record hereof.

11. Pending or Anticipated Motions:

12. Requests for Special Consideration or Handling (requests can be joint or unilateral):

Date: _____

Signatures of Counsel (with information required by Local Rule 1.05(d)) and Signature of any unrepresented party:

AO 85 (Rev. 8/98) Notice, Consent, and Order of Reference - Exercise of Jurisdiction by a United States Magistrate Judge

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

NOTICE, CONSENT, AND ORDER OF REFERENCE -
EXERCISE OF JURISDICTION BY A UNITED STATES
MAGISTRATE JUDGE

v.

Case No.

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. 636(c), and Fed.R.Civ.P. 73, you are notified that a United States Magistrate Judge of this District Court is available to conduct any or all proceedings in this case including a jury or non-jury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a Magistrate Judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any Magistrate Judge or to the District Judge to whom the case has been assigned.

An appeal from a judgment entered by a Magistrate Judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of this District Court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. 636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented	Signatures	Date

ORDER OF REFERENCE

IT IS ORDERED that this case be referred to _____
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. 636(c) and Fed.R.Civ.P. 73.

Date: _____

UNITED STATES DISTRICT JUDGE

NOTE: RETURN THIS FORM TO THE CLERK OF COURT ONLY IF ALL PARTIES HAVE CONSENTED ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.